

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 812 OF 2003

M/s. Rajendra Kariwala Prop.

of M/s. United Trading Co. .. Petitioner.

vs.

Shree Bhagawan Fabrics

Ltd., .. Respondents.

Shri Ramesh Soraogi for petitioner.

Shri V.J. Brahmhatt for company.

CORAM : S.U. KAMDAR, J.

DATE : 23RD DECEMBER, 2004

P.C.

1. The present petition is filed for winding up of the company for non payment of Rs. 4,80,724/- for the goods sold and delivered on 1.3.2000. There is neither part payment nor acknowledgment of liability. The learned counsel for the petitioner states that the letter dated 23.8.2001 is an acknowledgement of liability. I do not see any acknowledgement of liability in the said letter. There is in fact disputes in respect of the said claim. The petition is filed in August 2003. Thus,

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as on the date of the filing of the petition, the claim is barred by limitation. Thus there are bonafide disputes raised by the respondent company and therefore present petition deserves to be dismissed.

2. Petition dismissed accordingly.